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*Attorneys for the Government Defs. in their Official Capacity*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

FIRST UNITARIAN CHURCH

OF LOS ANGELES, *et al.*,

Plaintiffs,

v.

NATIONAL SECURITY AGENCY, *et al.*,

Defendants.

Case No. 3:13-cv-03287 JSW

**MOTION FOR A STAY OF CASE  
MANAGEMENT CONFERENCE AND  
DEADLINE FOR RESPONDING TO  
THE COMPLAINT IN LIGHT OF  
LAPSE OF APPROPRIATIONS**

No hearing requested

Hon. Jeffrey S. White

Courtroom 11 – 19th Floor

**NOTICE OF MOTION AND MOTION**

PLEASE TAKE NOTICE THAT the United States of America and the Government defendants sued in their official capacities will and hereby do move the Court, pursuant to Civil Local Rule 7-11, for a stay of the Case Management Conference and the deadline for defendants to respond to the complaint in the above-captioned case in light of the recent lapse in Government appropriations.

Mot. for a Stay in Light of Lapse in Appropriations, *First Unitarian Church of Los Angeles v. NSA* (13-3287 JSW)

1           1.       At the end of the day on September 30, 2013, the appropriations act that had been  
2 funding the Department of Justice expired and appropriations to the Department lapsed. The  
3 same is true for most Executive agencies, including defendant National Security Agency (NSA).  
4 The Department does not know when funding will be restored by Congress.

5           2.       Absent an appropriation, Department of Justice attorneys and employees of NSA  
6 are prohibited from working, even on a voluntary basis, except in very limited circumstances,  
7 including “emergencies involving the safety of human life or the protection of property.” 31  
8 U.S.C. § 1342. Accordingly, in the present circumstances, the undersigned Department of  
9 Justice attorneys are obligated to file the instant motion for a stay.  
10

11           3.       Undersigned counsel for the Department of Justice therefore request a stay of the  
12 following upcoming events or deadlines until Congress has restored appropriations to the  
13 Department and NSA: the Case Management Conference, scheduled for November 8, 2013; the  
14 joint case management statement, currently due on November 1, 2013; and the deadline for all  
15 defendants (including defendants sued in their individual capacities, who are also represented by  
16 the Department of Justice) to respond to the complaint, currently November 12, 2013.  
17  
18

19           4.       If this motion for a stay is granted, undersigned counsel will notify the Court as  
20 soon as Congress has appropriated funds for the Department and NSA. The Government  
21 requests that, at that point, all current deadlines for the parties be extended commensurate with  
22 the duration of the lapse in appropriations.  
23

24           5.       Opposing counsel has informed counsel for the Government that plaintiffs oppose  
25 this motion.

26           Therefore, although we greatly regret any disruption caused to the Court and the other  
27 litigants, the Government hereby moves for a stay of the Case Management Conference and the  
28 Mot. for a Stay in Light of Lapse in Appropriations, *First Unitarian Church of Los Angeles v. NSA* (13-3287 JSW)

1 deadlines for the joint case management statement and for all defendants to respond to the  
2 complaint, until Department of Justice attorneys and NSA employees are permitted to resume  
3 their usual civil litigation functions.

4 Dated: October 7, 2013

Respectfully Submitted,

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6 STUART F. DELERY  
Assistant Attorney General

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8 JOSEPH H. HUNT  
Director, Federal Programs Branch

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10 ANTHONY J. COPPOLINO  
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11  
12 s/ Marcia Berman  
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20 *Attorneys for the Government Defendants*  
*Sued in their Official Capacities*

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28 Mot. for a Stay in Light of Lapse in Appropriations, *First Unitarian Church of Los Angeles v. NSA* (13-3287 JSW)

**DECLARATION**

I, Marcia Berman, hereby declare under penalty of perjury, pursuant to Civil Local Rule 7-11(a), that a stipulation for this motion could not be obtained because plaintiffs oppose the motion.

Dated: Oct. 7, 2013

s/ Marcia Berman  
MARCIA BERMAN